

REMARKS

Claim 10 is pending in this application. By this Amendment, claim 10 is amended to revert to features previously recited in claim 10 as requested in the September 16, 2010

Advisory Action. The remaining claims are canceled. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because e.g. they are made in response to arguments raised in the final rejection and the September 16, 2010 Advisory Action. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 1-12 under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the enablement requirement. The Office Action rejects claims 1-12 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite.

Applicants respectfully traverse the rejections.

Claims 1-9, 11 and 12 have been canceled, rendering their rejections moot. Claim 10 has been amended to reflect the features of originally filed claim 10, as suggested in the Advisory Action. Applicants respectfully request that the rejection be withdrawn.

The Office Action rejects claims 1, 3-5, 7-9, 11 and 12 under 35 U.S.C. §103(a) over Yamakawa et al. (EP 448 407) in view of Okada et al. (U.S. Patent Application Publication No. 2001/0002608) and at least one of Tanaka et al. (U.S. Patent No. 6,514,441) and Sakamoto et al. (U.S. Patent No. 5,882,452). These claims have been canceled, rendering the rejection moot.

The Office Action rejects claim 2 under 35 U.S.C. §103(a) over Yamakawa in view of Okada, at least one of Tanaka and Sakamoto, and at least one of Akiyama (U.S. Patent No. 6,475,319) and Ikeda et al. (U.S. Patent Application Publication No. 2002/0074077). Claim 2 has been canceled, rendering the rejection moot.

The Office Action rejects claims 1, 2, 9, 11 and 12 under 35 U.S.C. §103(a) over JP 2002-254529 in view of Yamakawa and at least one of Tanaka and Sakamoto. These claims have been canceled, rendering the rejection moot.

The Office Action rejects claims 2-5, 7 and 8 under 35 U.S.C. §103(a) over JP 2002-254529 in view of Yamakawa and at least one of Tanaka and Sakamoto and in view of Okada. These claims have been canceled, rendering the rejection moot.

The Office Action rejects claim 6 under 35 U.S.C. §103(a) over Yamakawa in view of Okada and at least one of Tanaka and Sakamoto, or under 35 U.S.C. §103(a) over JP 2002-254529 in view of Yamakawa and at least one of Tanaka and Sakamoto and in view of Okada and Senbokuya et al. (U.S. Patent No. 6,616,783). Claim 6 has been canceled, rendering the rejection moot.

The Office Action, on page 6, discusses that claim 10 is not patentably distinct from claim 1 of commonly assigned Application No. 10/497,069. The inventions were commonly owned at the time of invention, as evidenced by the statement below, thus precluding a rejection under 35 U.S.C. §103(a).

Statement Concerning Common Ownership


Application No. 10/535,734 (the present application) and Application No. 10/497,069 were, at the time the invention of Application No. 10/535,734 was made, owned by Bridgestone Corporation.

The Office Action provisionally rejects claim 10 on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claim 1 of Copending Application No. 10/497,069. Applicants filed a Terminal Disclaimer on August 27, 2010, rendering the provisional rejection moot.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:SDJ/rle

Attachment:
Petition for Extension of Time

Date: September 28, 2010

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